United Nations A/HRC/S-28/2

General Assembly

Distr.: General
16 November 2018

Original: English

Human Rights Council
Twenty-eighth special session
18 May 2018

Report of the Human Rights Council on its twenty-eighth special session

Vice-President and Rapporteur: François Xavier Ngarambé (Rwanda)

GE.18-19564(E)

1819564

Please recycle

I. Resolution adopted by the Human Rights Council at its twenty-eighth special session

S-28/1. Violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and all other relevant United Nations resolutions,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming also their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties,

Convinced that the lack of accountability for violations of international law reinforces a culture of impunity, leading to a recurrence of violations and seriously endangering international peace,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, into the violence and offences against Palestinians by the occupying forces, and to establish judicial accountability for its actions in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the obligations of Israel as the occupying Power to ensure the safety, well-being and protection of the Palestinian civilian population under its occupation in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing also that the intentional targeting of civilians and other protected persons in situations of armed conflict, including foreign occupation, constitutes a grave breach of international humanitarian law and international human rights law, and poses a threat to international peace and security,

Recognizing the importance of the right to life and the right to freedom of peaceful assembly and association to the full enjoyment of all human rights,

1. *Condemns* the disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, including in the context of peaceful protests, particularly in the Gaza Strip, in violation of international humanitarian law, international human rights law and relevant United Nations resolutions, and expresses its grief at the extensive loss of life, including of children, women, health workers and journalists, and at the high number of injuries;

2. *Calls for* an immediate cessation of all attacks, incitement and violence against civilians throughout the Occupied Palestinian Territory, including East Jerusalem;

3. *Calls upon* all parties to ensure that future demonstrations remain peaceful and to abstain from actions that could endanger the lives of civilians;

4. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of crossings to the flow of humanitarian aid, commercial goods and persons, especially those in need of urgent medical attention, to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;

5. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, whether before, during or after; to establish the facts and circumstances, with assistance from relevant experts and special procedure mandate holders, of the alleged violations and abuses, including those that may amount to war crimes; to identify those responsible; to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations and abuses, and on protecting civilians against any further assaults; and to present an oral update thereon to the Council at its thirty-ninth session and a final, written report at its fortieth session;

6. *Calls upon* Israel, the occupying Power, and all relevant parties to cooperate fully with the commission of inquiry and to facilitate its access, requests the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedure mandate holders to fulfil their mandates promptly and efficiently;

7. *Decides* to remain seized of the matter.

2nd meeting
18 May 2018

[Adopted by a recorded vote of 29 to 2, with 14 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Iraq, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, United States of America

Abstaining:

Croatia, Ethiopia, Georgia, Germany, Hungary, Japan, Kenya, Panama, Republic of Korea, Rwanda, Slovakia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland]

II. Organization of work of the twenty-eighth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

2. On 15 May 2018, the Permanent Representative of the United Arab Emirates, on behalf of the Group of Arab States, and the Permanent Observer of the State of Palestine to the United Nations Office and other international organizations in Geneva requested the convening of a special session of the Human Rights Council on 18 May 2018 on the deteriorating human rights situation in the Occupied Palestinian Territory, including East Jerusalem (see A/HRC/S-28/1).

3. The above-mentioned request was supported by 17 States Members of the Human Rights Council, namely, Angola, Burundi, Cuba, Ecuador, Egypt, Iraq, Kyrgyzstan, Nigeria, Pakistan, Panama, Qatar, Saudi Arabia, Senegal, South Africa, Tunisia, the United Arab Emirates and Venezuela (Bolivarian Republic of). The request was also supported by eight observer States of the Council, namely, Bahrain, Bangladesh, Indonesia, Kuwait, Maldives, Oman, Tajikistan and Turkey.

4. Subsequently, the request was also supported by the following Member and observer States: Algeria, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Chile, China, Costa Rica, the Democratic Republic of the Congo, Djibouti, France, Iran (Islamic Republic of), Ireland, Jordan, Kuwait, Lebanon, Libya, Liechtenstein, Luxembourg, Malta, Mauritania, Mexico, Montenegro, Morocco, Namibia, Portugal, Somalia, Spain, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, Uruguay, Yemen and Zimbabwe.

5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene an open-ended informative consultation on the conduct and organization of the special session on 17 May 2018, and the special session on 18 May.

A. Opening and duration of the session

6. The Human Rights Council held its twenty-eighth special session at the United Nations Office at Geneva on 18 May 2018. It held two meetings during the session.

7. The twenty-eighth special session was opened by the President of the Human Rights Council.

B. Attendance

8. The special session was attended by representatives of States Members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. The following members of the Bureau of the Human Rights Council for the twelfth cycle also served as officers for the twenty-eighth special session:

President Vojislav Šuc (Slovenia)

Vice-Presidents	Evan P. Garcia (Philippines) Cristobal Gonzalez-Aller Jurado (Spain)[1]
Vice-President and Rapporteur	François Xavier Ngarambé (Rwanda)[2]

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 17 May 2018 in preparation for the twenty-eighth special session.

11. At its first meeting, on 18 May 2018, the Human Rights Council considered the organization of its work, including speaking time limits, which would be 2 minutes and 30 seconds for States Members of the Council and 1 minute and 30 seconds for observer States of the Council and other observers. The list of speakers would be drawn up in chronological order of registration. States Members of the Council would be given the floor first, followed by observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

12. The special session was conducted in accordance with the relevant provisions contained in Human Rights Council resolution 5/1.

E. Resolution and documentation

13. The resolution adopted by the Human Rights Council at its twenty-eighth special session is reproduced in chapter I of the present report.

14. The list of documents issued for the twenty-eighth special session is contained in the annex to the present report.

F. Statements

15. At the first meeting, on 18 May 2018, the United Nations High Commissioner for Human Rights made a statement.

16. At the same meeting, in the light of the subject of the special session, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, made a statement by video message.

17. Also at the same meeting, the representatives of Israel and the State of Palestine made statements as the States concerned.

18. At the same meeting, statements were made by the following:

(a) States Members of the Human Rights Council: Afghanistan, Angola, Australia, Belgium, Brazil, Bulgaria (on behalf of the European Union), China, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Iraq, Mexico, Nepal, Nigeria, Pakistan (also on behalf of the Organization of Islamic Cooperation), Peru, Philippines, Qatar, Saudi Arabia, Senegal, South Africa, Switzerland, Togo (on behalf of the Group of African States), Tunisia, Ukraine, United Arab Emirates (also on behalf of the Group of Arab

[1] At its organizational meeting, held on 7 May 2018, the Human Rights Council, in accordance with rules 9 and 13 of its rules of procedure, elected Cristobal Gonzalez-Aller Jurado (Spain) as Vice-President and Rapporteur from the Group of Western European and other States to replace Antje Leendertse (Germany), whose term of office had ended.

[2] In accordance with rules 9 and 13 of the rules of procedure of the Human Rights Council and in the light of the fact that, on 12 May 2018, Marta Maurás (Chile) had ceased to be able to carry out her functions as Vice-President and Rapporteur for the twelfth cycle, François Xavier Ngarambé exceptionally assumed the function of Rapporteur for the twenty-eighth special session.

States), United States of America, Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(b) Observer States of the Human Rights Council: Algeria, Bahrain, Bangladesh, Bolivia (Plurinational State of), Botswana, Canada, Costa Rica, Democratic People's Republic of Korea, France, Guyana, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Jordan, Kuwait, Lebanon, Libya, Liechtenstein, Malaysia, Maldives, Mali, Malta, Mauritania, Morocco, Namibia, New Zealand, Oman, Russian Federation, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Turkey, Uruguay, Viet Nam, Yemen, Holy See.

19. At the 2nd meeting, on the same day, statements were made by the following:

(a) Observer States of the Human Rights Council: Albania, Argentina, Djibouti, Guinea, Luxembourg, Niger, Somalia;

(b) Observer for a national human rights institution: Independent Commission for Human Rights of the State of Palestine;

(c) Observers for non-governmental organizations: ADALAH – Legal Center for Arab Minority Rights in Israel, Al Mezan Centre for Human Rights, Al-Haq/Law in the Service of Man (also on behalf of the Cairo Institute for Human Rights Studies), Amnesty International, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Caritas Internationalis (International Confederation of Catholic Charities) (also on behalf of Associazione Comunità Papa Giovanni XXIII), CIVICUS – World Alliance for Citizen Participation, Commission of the Churches on International Affairs of the World Council of Churches, Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, Coordinating Board of Jewish Organizations, Defence for Children International, Habitat International Coalition, Human Rights Watch, Indian Movement "Tupaj Amaru", Institute for NGO Research, International Association of Democratic Lawyers, International Commission of Jurists, International Federation for Human Rights Leagues, International Fellowship of Reconciliation, International Organization for the Elimination of All Forms of Racial Discrimination, International Volunteerism Organization for Women, Education and Development – VIDES, International-Lawyers.Org, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Norwegian Refugee Council, Palestinian Return Centre Ltd., Rencontre africaine pour la défense des droits de l'homme, Union of Arab Jurists, United Nations Watch, Women's International League for Peace and Freedom (also on behalf of the Women's Centre for Legal Aid and Counselling), World Jewish Congress.

G. Action on the draft proposal

20. At the 2nd meeting, on 18 May 2018, the representative of Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania) introduced draft resolution A/HRC/S-28/L.1 as orally revised, sponsored by Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania) and co-sponsored by Botswana, Namibia, South Africa, the United Arab Emirates (also on behalf of the States Members of the United Nations that are members of the Group of Arab States) and Venezuela (Bolivarian Republic of). Subsequently, Angola, Belgium, Bolivia (Plurinational State of), the Democratic People's Republic of Korea, Ecuador, France, Ireland, Luxembourg and Sweden joined the sponsors.

21. At the same meeting, the representatives of South Africa and the United States of America made general comments on the draft resolution as orally revised.

22. Also the same meeting, the representatives of Israel and the State of Palestine made statements as the States concerned.

23. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of

Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement on the budgetary implications of the draft resolution as orally revised.

24. Also at the same meeting, the representatives of Australia, Belgium (also on behalf of Slovenia and Spain), Germany (also on behalf of Croatia and Slovakia), Hungary and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote.

25. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/S-28/L.1 as orally revised. The Human Rights Council adopted the draft resolution, as orally revised, by 29 votes to 2, with 14 abstentions[3] (for the text of resolution S-28/1 and voting results, see chapter I).

26. Also at the same meeting, the representative of Mexico made a statement in explanation of vote after the vote on the adopted resolution.

III. Report of the Human Rights Council on its twenty-eighth special session

27. At its 2nd meeting, on 18 May 2018, the Human Rights Council adopted the report on its twenty-eighth special session ad referendum and entrusted the Rapporteur with its finalization.

[3] Two delegations did not cast a vote.

Annex

Documents issued for the twenty-eighth special session of the Human Rights Council

In the general series

A/HRC/S-28/1	Letter dated 15 May 2018 from the Permanent Representative of the United Arab Emirates and the Permanent Observer of the State of Palestine to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/S-28/2	Report of the Human Rights Council on its twenty-eighth special session
A/HRC/S-28/NI/1	Written submission by the Independent Commission for Human Rights of the State of Palestine

In the limited series

A/HRC/S-28/L.1	Violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem